

REMARKS

By this amendment, Applicant has amended claims 1, 9, 13-14, 18, and 25. As a result, claims 1, 3-6, 9-10, 12-15, and 17-25 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 13-15, 17-20 and 25 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that claims 13-15 and 17 are directed to software per se. By this response, Applicant has amended claim 13 to expressly state that the system includes “at least one computer”, which includes the systems described therein. As a result, Applicant respectfully submits that claims 13-15 and 17 are clearly directed to statutory subject matter. With respect to claims 18-20 and 25, the Office alleges that “instructions/data embodied in transmission media such as waves, signals, wired or wireless media are transient in nature and cannot be manufactured.” Office Action, p. 3. Applicant has amended claim 18 to expressly state that the recordable medium is tangible. According to the Office, such an amendment excludes “transmission media”. As a result, Applicant respectfully submits that claims 18-20 and 25 are clearly directed to statutory subject matter. In light of the above, Applicant respectfully requests

withdrawal of the rejection of claims 13-15, 17-20, and 25 as allegedly being directed to non-statutory subject matter.

Further, the Office rejects claims 1, 3-6, 9-10, 12-15 and 17-25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0215594 (Somogyi) in view of U.S. Patent No. 5,208,748 (Flores). Applicant respectfully traverses this holding and requests reconsideration thereof in view of the following remarks.

For example, with respect to claim 1, Applicant respectfully submits that the Office fails to show that the combination of Somogyi and Flores even if, *arguendo*, proper, teaches or suggests requesting, after replying to a requester based on preparation responses, one of: a commitment or a roll back of each resource as in claim 1. In support of its rejection, the Office acknowledges that Somogyi fails to teach replying to a requester before commitment or failure of commitment of the requested resources. Office Action, paragraph 10. Regardless, the Office alleges that Somogyi teaches reporting results of an XA operation in paragraph 0027 and Flores teaches providing a promise response to the requester for a preparation prior to fulfilling the request in col. 25, line 37-col. 26, line 40; and col. 32, lines 24-32. *Id.*

However, Applicant notes that the reporting results in Somogyi expressly teaches that this action is taken after all resources have been committed/rolled back. In contrast, the invention of claim 1 requests commitment or roll back after replying to a requester with a transaction result that indicates one of: a success or failure of processing the transaction.

Further, Flores discloses promising to fulfill a request prior to fulfilling the request. In Flores, the promise is for communications between individuals. Flores, Abstract. In this context, for such a promise to have any meaning, it is generally sent prior to knowing the result of the fulfillment. To this extent, the promise in Flores is not analogous to the replying of claim 1, which includes a transaction result that indicates one of: a success or failure of processing the transaction. Further, Flores expressly teaches further reporting that the request is fulfilled after all actions have been taken to fulfill the request. Col. 32, lines 29-30. As a result, even if, *arguendo*, the combination of Somogyi and Flores is proper, the combination fails to teach or suggest Applicant's claim 1.

In light of the above, Applicant respectfully requests withdrawal of the rejections of claim 1 and the claims that depend therefrom, as allegedly being unpatentable over Somogyi in view of Flores.

Applicant notes that independent claims 9, 13, and 18 include a similar feature as discussed above with respect to claim 1. Further, the Office relies on its reasoning in rejecting claim 1 in its rejections of claims 9, 13, and 18. To this extent, Applicant incorporates the arguments presented above with respect to claim 1, and respectfully request withdrawal of the rejections of claims 9, 13, and 18 and the various claims that depend therefrom, as allegedly being unpatentable over Somogyi in view of Flores.

With further respect to claim 25, Applicant notes that neither Somogyi nor Flores teaches or suggests program code for creating a resource thread for a resource as in claim 25. The Office relies entirely on its rejection of claim 5, which in turn relies entirely on its rejection of claim 1 in support of this rejection. However, in rejecting claim 1, the

Office does not cite any portion of Somogyi nor Flores that allegedly teaches or suggests the claimed feature. Further, neither Somogyi nor Flores teaches creating any type of thread. In contrast, Somogyi teaches “utilizing available server threads to process resources...” See, e.g., Somogyi, paragraphs 0010, 0020, 0023. As a result, Applicant again respectfully requests withdrawal of the rejection of claim 25 as allegedly being unpatentable over Somogyi in view of Flores.

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office’s combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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